

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
FIRST HORIZON BANK,

Interpleading
Plaintiff,

-v-

MOHAMMED GOLAM and SAYEM SOBHAN,

Interpleaded
Defendants.

CIVIL ACTION NO.: 23 Civ. 9408
(MMG) (SLC)

AMENDED ORDER

SARAH L. CAVE, United States Magistrate Judge:

The Court's October 30, 2024 Order (ECF No. 44) is **amended** as follows. On September 18, 2024, the Court ordered Defendant-Cross Claimant Mohammed Golam to serve Defendant-Cross Defendant Sayem Sobhan with a summons, the Complaint (ECF No. 1), Golam's Answer and Crossclaim (ECF No. 2), and the Court's September 16, 2024 Order (ECF No. 36). (ECF No. 38). At Golam's request, the deadline to perfect service on Sobhan was extended to October 28, 2024. (ECF No. 42). On October 17, 2024, Golam filed a "Non Service Report" from his process server, showing that the process server attempted and failed to serve Sobhan at his residence in Dubai three times. (ECF No. 43). To date, Golam has not perfected service on Sobhan.

Personal service by Golam's American process server failed, so Golam must turn to another form of international service. Sobhan's current residence and citizenship are not known, but his last known address is in the United Arab Emirates. (See ECF No. 43). Federal Rule of Civil Procedure 4(f) governs in these circumstances. The Court has "wide discretion in ordering service

of process under Rule 4(f)(3)[,]" which allows international service of process on an individual "by other means not prohibited by international agreement." Payne v. McGettigan's Mgmt. Servs. LLC, No. 19 Civ. 1517 (DLC), 2019 WL 6647804, at *1 (S.D.N.Y. Nov. 19, 2019) (quoting Fed. R. Civ. P. 4(f)(3)). After review of the record, and in deference to Golam's pro se status, "the facts and circumstances of the present case necessitate[] the [] court's intervention." Id. (citation omitted).

Accordingly, pursuant to Rule 4(f)(3), by **November 22, 2024**, Golam shall (i) serve Sobhan with a summons, the Complaint (ECF No. 1), Golam's Answer and Crossclaim (ECF No. 2), and the Court's September 16, 2024 Order (ECF No. 36) by international certified mail at his home address in Dubai, United Arab Emirates, and (ii) file proof of such service on the public docket. See Payne, 2019 WL 6647804, at *2 (ordering alternative service under Rule 4(f)(3) by international certified mail to defendant's home address in the United Arab Emirates).

Dated: New York, New York
October 31, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge